



# *Applicant/Violator System Office System Advisory Memorandum*

*SAM # 14    DATE: January 31, 2013*

---

**Subject: SMALL OPERATOR ASSISTANCE PROGRAM (SOAP) ELIGIBILITY EVALUATIONS**

This System Advisory Memorandum provides operational guidance concerning the use of the Applicant/Violator System (AVS) to assist regulatory authorities in determining the eligibility of applicants for assistance under the Small Operator Assistance Program (SOAP). This SAM replaces previous SAM # 15, "Small Operator Assistance Program (SOAP) Eligibility Evaluations," dated September 29, 2009.

Section 507(c) of the Surface Mining Control and Reclamation Act of 1977, as amended (SMCRA or the Act), provides that an applicant for a surface coal mining permit for whom the regulatory authority anticipates the annual coal production of the applicant to be less than 300,000 tons, may also apply, separately, for a technical subsidy under the Small Operator Assistance Program. The Federal regulations at 30 CFR 795.6(a)(3) stipulate that applicants are eligible for assistance under SOAP if the applicant "is not restricted in any manner from receiving a permit under the permanent regulatory program."

The eligibility requirement means that regulatory authorities must determine if an applicant for assistance under SOAP is eligible to receive it. The SOAP eligibility criterion at 30 CFR 795.6(a)(3) is equivalent to the eligibility established for applicants for permits under section 510(c) of the Act. Therefore, regulatory authorities may use AVS to assist them in making the SOAP eligibility determination.

Applicants for surface coal mining permits who apply for assistance under SOAP first must be determined to be eligible for SOAP assistance before proceeding with the review of the surface coal mining and reclamation application. The Federal regulations at 30 CFR 795.6 and 795.7 provide for the filing and eligibility requirements for applicants for SOAP eligibility. The Federal regulations at 30 CFR 795.8 provide for the eligibility determination and the notice of eligibility or ineligibility.

SAM # 14  
January 31, 2013  
Page 2

For the AVS operational procedures for SOAP eligibility evaluations, refer to SAM # 2, Permit Eligibility Evaluations, dated June 19, 2012. The guidance in SAM # 2 applies to both evaluating applicants for surface coal mining permits and applicants for eligibility under SOAP.

If you have questions concerning using AVS to evaluate SOAP eligibility, please contact your AVS User Assistance Liaison at 1.800.643.9748.

**Signed:** Debra J. Feheley  
**Debra J. Feheley, Chief**  
**Applicant/Violator System Office**